



TRANSCRIPT OF PROCEEDINGS BEFORE  
THE SENATE OF THE STATE OF TEXAS  
EIGHTY-SECOND LEGISLATURE  
(COMMITTEE OF THE WHOLE SENATE)  
AUSTIN, TEXAS

IN RE:

CONSIDERATION OF  
SENATE BILL 14

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COMMITTEE OF THE WHOLE SENATE  
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on Tuesday, the 25th day of January 2011, the above-entitled matter continued at the Texas State Capitol, Senate Chamber, Austin, Texas, before the Committee of the Whole Senate. The following proceedings were reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim Pence, Certified Shorthand Reporters.

VOLUME 2

PAGES 20 - 542

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. WENTWORTH: And then you found a new  
2 location on Pat Booker Road out near Randolph Air Force  
3 Base, and my constituents are very pleased with that  
4 improvement and were grateful that that improvement has  
5 been made.

6 MS. DAVIO: Thank you so much.

7 SEN. WENTWORTH: Thank you.

8 MS. DAVIO: I appreciate that. It's nice  
9 to hear a good story.

10 SEN. WENTWORTH: You bet.

11 CHAIRMAN DUNCAN: Thank you, Senator  
12 Wentworth.

13 Are there any other questions of the  
14 resource witness?

15 (No response)

16 CHAIRMAN DUNCAN: All right. Thank you  
17 very much, Ms. Davio.

18 MS. DAVIO: Uh-huh.

19 CHAIRMAN DUNCAN: All right. The Chair  
20 calls Ann McGeehan, Secretary of State's Office. If  
21 you'll state your name and who you represent, please.

22 TESTIMONY BY ANN MCGEEHAN

23 MS. MCGEEHAN: Ann McGeehan, and I'm  
24 Director of Elections in the Texas Secretary of State's  
25 Office.

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 CHAIRMAN DUNCAN: All right. Thank you,  
2 Ms. McGeehan.

3 The Chair recognizes Senator Davis.

4 QUESTIONS FROM SENATE FLOOR

5 SEN. DAVIS: Hello. Good evening. Thank  
6 you so much for being here with us to provide answers  
7 for our questions. I know you've had a long day.

8 I just want to ask you a few questions  
9 about the current state of voter education as its taking  
10 place today in the Secretary of State's Office. Can you  
11 describe for us the use of the HAVA funds and how those  
12 are currently being used today?

13 MS. MCGEEHAN: We received -- when  
14 Congress passed the Help America Vote Act, the state of  
15 Texas received a set amount of funds. And pursuant to  
16 the Help America Vote Act, there are certain purpose  
17 areas that we can use those funds for, and one of the  
18 purpose areas is voter education. So since two -- we  
19 have conducted three statewide education -- voter  
20 education programs, one in 2006, one in 2008 and one in  
21 2010 using those federal dollars. And they have been --  
22 we've worked with a public education firm to do  
23 research, and then they develop creative material. We  
24 run PSAs on TV, radio. In this last cycle, 2010, we  
25 used the Internet quite a bit as well.

CONSIDERATION OF SENATE BILL 14 1/25/2011

1           SEN. DAVIS: And how many people do you  
2 think you reach through your voter education efforts  
3 right now? And how much have each of those cycles of  
4 voter education effort cost?

5           MS. MCGEEHAN: The average cost is about  
6 \$3 million for each one, around that amount. As far as  
7 the number of people we've touched through the campaign,  
8 we do have some reports on that. I don't have that  
9 number at my fingertip, but we have a report for each  
10 one of the voter education campaigns that talks a little  
11 bit about the effectiveness and how many people saw the  
12 media spots and things of that nature.

13           SEN. DAVIS: And are the Help America Vote  
14 Act funds funds that are continually given to the state  
15 from the federal government, or was it a one-time  
16 disbursement that's been used over the course of those  
17 three cycles?

18           MS. MCGEEHAN: It was authorized in that  
19 one bill. We've received it in about three or four  
20 separate payments. We don't contemplate that we're  
21 going to be receiving any more.

22           SEN. DAVIS: And what was the total amount  
23 that was given to Texas?

24           MS. MCGEEHAN: Let me grab that. The  
25 total amount for all the purpose areas is \$224,092,477.

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1           SEN. DAVIS: That's the amount that was  
2 given to the state of Texas?

3           MS. MCGEEHAN: Yes.

4           SEN. DAVIS: Okay. And so of that amount,  
5 how much have we spent so far?

6           MS. MCGEEHAN: Let's see here. We -- I  
7 think we have spent \$177,798,488.

8           SEN. DAVIS: Okay. And you described  
9 spending about \$3 million over the last three two-year  
10 cycles. How have we spent the balance of that?

11           MS. MCGEEHAN: Well, I mean, the bulk of  
12 the money or about half of the money went to counties to  
13 obtain HAVA compliant voting systems, electronic voting  
14 systems that made -- that complied with HAVA and allowed  
15 disabled voters to vote independently. So let's see.  
16 \$140 million went to the counties for that purpose.

17           The other program areas are for developing  
18 a statewide voter registration system. We've spent  
19 25 million on that. And then as far as the  
20 administrative expenses, we've spent about 2.8 million  
21 on that. For voter education, we've spent 9.5 million  
22 so far.

23           SEN. DAVIS: And what are the -- setting  
24 aside the requirements of the bill that's being  
25 introduced today, what are the intended plans for the

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 balance of that money? Were this bill not to come  
2 forward to your department, what would the intended use  
3 for those funds be?

4 MS. MCGEEHAN: I can't speak necessarily  
5 for, you know, exactly what would be done in the next  
6 general election cycle, but I would contemplate we would  
7 do another statewide voter education program in 2012,  
8 and if funds remained in 2014.

9 SEN. DAVIS: Is there a plan for ongoing  
10 capital expenditures as you talked about, which was the  
11 use of the bulk of the funds that we've received so far?

12 MS. MCGEEHAN: Yeah. There are --  
13 there's 24 -- roughly \$24 million left in the -- in the  
14 purpose area for grants to counties to obtain voting  
15 equipment.

16 SEN. DAVIS: Okay. And so after you take  
17 out that 24 million, what will the balance be that  
18 remains for voter education efforts?

19 MS. MCGEEHAN: Well, that's -- that's  
20 already frozen as far as the -- in order to draw down  
21 those funds, the state had to submit a state plan. We  
22 had to meet with stakeholders, publish in the Register  
23 and submit it to the Election Assistance Commission.  
24 And so pursuant to that state plan, we had to define how  
25 we were going to spend the money, and so these -- the

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 budget that I discussed is following that state plan.

2 SEN. DAVIS: Okay. And under that state  
3 plan right now, what portion of funding remains for  
4 voter education?

5 MS. MCGEEHAN: For voter -- okay. And  
6 actually to be more precise, what the -- the purpose  
7 area for voter education is for voter education and also  
8 for election official and poll worker training; that's  
9 grouped. And the amount remaining is between 5 and  
10 \$7 million.

11 SEN. DAVIS: Okay. And that is expected  
12 to extend us or to take us through the next how many  
13 years under that plan?

14 MS. MCGEEHAN: It will -- again, it's  
15 going to depend how extensive our next few voter  
16 education programs are because that's what the bulk of  
17 the money has been spent on, voter education programs.  
18 The average is about 3 million. So I guess the hope  
19 might be for at least two other statewide voter  
20 education programs.

21 SEN. DAVIS: Okay. And I'm sure you've  
22 seen the fiscal note that was a part of this bill. And  
23 by the way, I think it would be very helpful if you  
24 would enter that state plan into the record as an  
25 exhibit for our further use.

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 I'm sure you've seen the fiscal note that  
2 came as a part of this bill in terms of the expected  
3 expenditures. Part of that note talks about a fiscal  
4 impact that's related to researching and developing ways  
5 to inform the public of the new ID requirements. That's  
6 \$.5 million expenditure, an additional cost of  
7 1.5 million for media advertisements, television, radio,  
8 print and Internet. That's specifically to educate  
9 voters about the new requirements under this bill.

10 What will go undone that's currently in  
11 the state plan -- if we take 2 million of the 5 million  
12 remaining, what will go undone that's currently in the  
13 state plan in terms of voter education effort?

14 MS. MCGEEHAN: I don't know that I have an  
15 exact answer to that. If we're able to incorporate the  
16 new voter ID requirements that would be required by this  
17 bill into a voter education program, then maybe we  
18 wouldn't need 2 million just for the voter ID. We could  
19 parlay that into the -- basically the voter education  
20 campaigns that we've done or the voter education  
21 programs have been to educate voters on the basic rights  
22 on how to vote, what you need to vote. So it may not be  
23 such an extension to incorporate these new requirements  
24 for voter ID, or they may. I mean, depending on the  
25 research that we get back from stakeholders and whatnot,



CONSIDERATION OF SENATE BILL 14 1/25/2011

1 but it's hard for me to say today exactly how much that  
2 may take away from future voter education efforts.

3 SEN. DAVIS: When was the last time in the  
4 state of Texas we made any changes of significance to  
5 the voter rules?

6 MS. MCGEEHAN: Probably the -- when we had  
7 to implement the federal Help America Vote Act. That's  
8 when provisional voting became a requirement. There  
9 were significant changes to voter registration as to  
10 what's required to become a registered voter, and that's  
11 why we have these HAVA dollars for voter education.

12 SEN. DAVIS: And that began in '06.  
13 Correct?

14 MS. MCGEEHAN: Correct.

15 SEN. DAVIS: Okay. In '06, the Texas  
16 voter registration application form changed in  
17 accordance with those requirements, it's my  
18 understanding, and that's when we began to collect this  
19 data that requested a driver's license number or a  
20 social security number. Is that's correct?

21 MS. MCGEEHAN: That's correct.

22 SEN. DAVIS: Okay. So we have data, I  
23 guess, only from '06, and that would -- would that only  
24 be then for new registrants from '06? If I had already  
25 registered to vote prior to that, you wouldn't have that

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 information from me.

2 MS. MCGEEHAN: That's right.

3 SEN. DAVIS: Correct?

4 MS. MCGEEHAN: That's right. It was  
5 voluntary before. So we have some TDLs and SSN numbers  
6 from -- but it wasn't required until 2006.

7 SEN. DAVIS: So we've been able to gather  
8 that information from that point in time for people who  
9 are newly registering to vote in the state of Texas. Of  
10 that group, how many people or what percentage of people  
11 are answering one or both of those questions in response  
12 to No. 8 versus signing the attestation clause in  
13 Section No. 9?

14 MS. MCGEEHAN: Are you asking the number  
15 of --

16 SEN. DAVIS: Let me -- let me break it  
17 down better.

18 MS. MCGEEHAN: Okay.. Okay.

19 SEN. DAVIS: So under Question No. 8, what  
20 percentage of people currently, who are requesting a  
21 voter registration card, who are filling out the  
22 application starting in '06 with this new form, what  
23 percentage of people are providing their Texas driver's  
24 license in response to the questions on the application?

25 MS. MCGEEHAN: Okay. I don't have the

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 percent number, but the actual number is 2.3 million  
2 since 2006. Since January 1, 2006 through December 31,  
3 2010, 2.3 million, when they registered, provided their  
4 driver's license number.

5 SEN. DAVIS: What's the total number of  
6 applications in that time period?

7 MS. MCGEEHAN: And the total number -- I  
8 think it's going to be just under 3 million, and I'm  
9 doing math on the fly. I might have to -- I'd prefer to  
10 give that --

11 SEN. DAVIS: Can you provide that  
12 information --

13 MS. MCGEEHAN: Yes.

14 SEN. DAVIS: -- to us?

15 MS. MCGEEHAN: Yes.

16 SEN. DAVIS: That would be appreciated.

17 So what's the number of people who are not  
18 filling out either the driver's license number or the  
19 social security number in Section 8 but instead are  
20 going to Section 9 and signing the attestation clause of  
21 Section 9?

22 MS. MCGEEHAN: And that's the attestation  
23 clause saying they have not been issued either form of  
24 ID?

25 SEN. DAVIS: (Nodded)

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: Yeah, that number is  
2 34,506.

3 SEN. DAVIS: Okay. Do we have any -- any  
4 estimate of the number of people who are currently  
5 registered today? If we've only been gathering that  
6 information since 2006, do we have any kind of an  
7 estimate of the number of people who are currently  
8 registered to vote today who do not have a driver's  
9 license number to provide?

10 MS. MCGEEHAN: Well, if we -- if we look  
11 at our entire statewide file, we have 5.2 million voters  
12 that did provide a driver's license number or an ID  
13 number. We have 2.1 million voters that present -- that  
14 provided a social security number. 4 million of them  
15 provided both. And then the numbers that have  
16 neither -- or the voters that hadn't provided either one  
17 is 690,887. So it doesn't necessarily mean that those  
18 people haven't been issued, but they didn't -- either  
19 they don't have those numbers or they registered before  
20 it was required, and so they didn't provide them when  
21 they registered if it was pre-2006.

22 SEN. DAVIS: But the question wasn't  
23 asked. It was -- I guess as you said, you could  
24 voluntarily provide that information prior to '06.

25 MS. MCGEEHAN: Well, it was asked, but it

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 was optional. It was on the form.

2 SEN. DAVIS: Uh-huh. Okay. So we really  
3 don't know how many of that group were answering the  
4 question voluntarily because they have the number versus  
5 those who were not answering it, not because they chose  
6 to, but because they did have their driver's license  
7 number?

8 MS. MCGEEHAN: Yes, you are correct.  
9 That's right.

10 SEN. DAVIS: So when we're putting  
11 together an estimate of what the cost to educate our  
12 voters is going to be and when we think about how  
13 significant the changes are that are addressed in this  
14 bill, what's your -- what's your process been to try to  
15 determine how many people will be impacted and what that  
16 voter education is going to need to look like?

17 MS. MCGEEHAN: Well, we -- I mean, to be  
18 very honest, we haven't done much planning yet. We  
19 prepared this fiscal note on Friday. That would be  
20 obviously a very important component is trying to  
21 identify who the appropriate audiences are, who you need  
22 to get the information out to.

23 Senator Williams had approached us earlier  
24 today to see if we could do some comparisons to try and  
25 further focus in on who those registered voters are that

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 don't have -- or have not been issued a driver's license  
2 or a personal ID number. So we're trying to run some of  
3 those numbers right now.

4 SEN. DAVIS: I guess a confusion for me is  
5 how we came up with the \$2 million fiscal note for that  
6 and yet we don't really know, as you said a moment ago  
7 we don't really know how many people will be impacted by  
8 it and what that statewide voter education effort is  
9 going to need to look like. So where did the \$2 million  
10 number come from?

11 MS. MCGEEHAN: Well, the \$2 million number  
12 came from the way the bill is written because the bill  
13 simply says "a statewide voter education effort." So  
14 there's not too much detail in the bill as to what's  
15 required. Our assumption is that our previous voter  
16 education programs might be the model, and they've been  
17 around 3 million. And plus, we also noticed that last  
18 session the Senate put a \$2 million fiscal note on it.  
19 So we thought, well, maybe that's some representation of  
20 legislative intent as to what an appropriate voter  
21 education program might cost, but --

22 SEN. DAVIS: So we've had voter education  
23 efforts in the past that have cost about \$3 million each  
24 time we've engaged in the voter education effort. We're  
25 talking today about making some sweeping changes to

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 what's required in order to vote in the state of Texas.  
2 Why is the number to educate -- on such a sweeping  
3 change for what will likely be a much larger group of  
4 impacted people in the state of Texas, why is that  
5 number so much lower than the \$3 million number that's  
6 currently being spent for voter education?

7 MS. MCGEEHAN: Well, if the -- if a  
8 \$2 million program is added into an existing \$3 million  
9 program, then you've got a \$5 million program. I mean,  
10 our voter education under HAVA is directed to all  
11 registered voters. And so, you know, a new voter -- a  
12 new photo ID requirement would also need to be directed  
13 to all registered voters because it's a change for all  
14 voters.

15 SEN. DAVIS: So we're talking about -- I'm  
16 sorry to interrupt you. We're talking a \$2 million  
17 addition to the \$3 million that was already intended for  
18 voter education in this next two-year cycle.

19 MS. MCGEEHAN: Possibly, possibly. I  
20 mean, we -- you know, we've got a communications  
21 director that would have some input on that. This  
22 fiscal note represented what we thought might be a  
23 reasonable fiscal note. If we have, you know,  
24 legislative direction to take it a different way or do  
25 additional outreach, that's fine. But based on the way

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 the bill was written and based on the fiscal note filed  
2 last time, we thought that was a reasonable number.

3 SEN. DAVIS: So let's say we spend about a  
4 total of \$5 million in the next two years with our  
5 intended voter education effort that's already been  
6 planned and with an additional cost for educating on the  
7 requirements of this proposed new law. That's about the  
8 balance of the voter education fund right now. Is that  
9 correct?

10 MS. MCGEEHAN: Well, it's about -- we've  
11 spent 9 million. I think the balance -- yeah, the  
12 balance is between 5 and 7 million. That's correct.

13 SEN. DAVIS: Okay. So that will take us  
14 through about what -- how long of a period of time will  
15 that take us through?

16 MS. MCGEEHAN: If we used 5 million to do  
17 a voter -- a general voter education plan and then  
18 another 2 million to do a detailed photo -- photo  
19 identification plan, that might -- that might use it up.

20 SEN. DAVIS: And if it uses it up, what  
21 will we do in future years to educate our voters about  
22 these requirements?

23 MS. MCGEEHAN: Well, frankly -- I mean,  
24 state law has never appropriated state funds to educate  
25 voters. So, you know, these federal funds have been



## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 really nice to have them to do that. We never had that  
2 kind of funding before. So if there's a desire to do  
3 voter education programs of this -- of this type, then  
4 we would need state appropriation.

5 SEN. DAVIS: So these federal funds will  
6 take us basically through a one-time voter education  
7 drive on the requirements of this new law, but it's not  
8 going to take us further than that?

9 MS. MCGEEHAN: Not if we use it all,  
10 not -- it could possibly use up the remainder of the  
11 voter education funds.

12 SEN. DAVIS: Okay. So we've talked about  
13 the voter education. Talk to us a little bit about the  
14 costs of training the poll workers and the registrars.

15 MS. MCGEEHAN: We currently have several  
16 training programs for -- well, we have training programs  
17 for the county election officials and then other  
18 training programs for the poll workers. We have an  
19 online training program. We have a video. We have  
20 handbooks. So we would have to update all of those --  
21 all those different formats of training.

22 SEN. DAVIS: And what's the anticipated  
23 costs for updating all those forms of training?

24 MS. MCGEEHAN: We don't usually put a  
25 fiscal note when there's a change in state law and we

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 have to change and update training like that because at  
2 least it's always been considered that is part of our  
3 mandate in election administration. So when we get  
4 appropriation under the election administration  
5 umbrella, our statutory mandate is to train and assist  
6 election authorities.

7 SEN. DAVIS: And what's happened to  
8 your -- your budget, not only in this current biennium  
9 that we're in, but the proposed budget going forward?

10 MS. MCGEEHAN: We're still digesting that  
11 as far as on the House side. I don't know about the  
12 Senate side yet. But on the House side, I believe we  
13 took about a 14.5 percent budget reduction on the  
14 House -- HB 1 bill.

15 SEN. DAVIS: So we're talking about a  
16 fairly dramatic budget cut for your agency while at the  
17 same time we are talking about adding some very  
18 significant requirements in terms of the changes that  
19 you would need to make to your training programs and  
20 materials for purposes of educating election workers and  
21 county administrators on the new rules that would be  
22 implemented in this bill?

23 MS. MCGEEHAN: That's correct.

24 SEN. DAVIS: And there's no fiscal note  
25 currently estimated for what that cost might be?

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: It's my understanding that  
2 when we've been asked to prepare fiscal notes for these  
3 kinds of issues, we have not added a fiscal impact for  
4 something that's already a statutory duty. As we  
5 analyze HB 1, maybe we're going to have to revise that,  
6 but at least our standing policy was if it was a  
7 statutory duty that we're already charged to do, that we  
8 don't put an additional fiscal note on it.

9 SEN. DAVIS: Are you concerned that you're  
10 going to find yourselves fairly flatfooted in terms of  
11 not being prepared with the resources that you need, to  
12 train election workers and to train county  
13 administrators on the requirements of this new law  
14 facing the budget cuts that you're facing without a  
15 fiscal note that's going to add resources to your  
16 department for purposes of carrying out these  
17 requirements?

18 MS. MCGEEHAN: I think all state agencies  
19 in the state have concerns about providing the services  
20 they are charged to provide in light of significant  
21 budget cuts. But on the issue of training, the analysis  
22 was that that was not going to cost anything additional  
23 as to what we've already been appropriated.

24 SEN. DAVIS: And do you agree with that,  
25 that it's not going to cost anything additional for your

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 agency to provide the training for the significant  
2 changes in the law that will be imposed if this bill is  
3 passed into law?

4 MS. MCGEEHAN: Well, after every session,  
5 we have to change all our materials. And, you know,  
6 maybe I can talk to our fiscal officer and maybe we'll  
7 start putting in fiscal notes for these kinds of things,  
8 but it has been our policy not to add a fiscal note for  
9 something we're currently doing under state law and  
10 funded for.

11 SEN. DAVIS: And so the change in  
12 materials is all that would occur? If I'm an election  
13 worker in the state of Texas and I'm facing some pretty  
14 significant changes -- and I have to tell you I've read  
15 this bill numerous times, and I'm still confused in  
16 terms of what it would require of me as an election  
17 worker. Is that the only costs that we assume will be  
18 incurred, is the cost of the change of the material?  
19 Isn't there some training -- active training that has to  
20 occur to be able to make sure that the election workers  
21 and the county administrators who are tasked with  
22 carrying out this new law will understand exactly what's  
23 expected of them in terms of its implementation?

24 MS. MCGEEHAN: We do -- we do, I think,  
25 pretty extensive training right now. I mean, in an odd

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 numbered year, we hold four seminars, and we have very  
2 good attendance from our county election officials. So  
3 I would be certain that our August county election  
4 official seminar will be heavily -- if this passes will  
5 heavily emphasize these new rules.

6 To go back to the federal funds, which we  
7 know are limited, the grant for voter education also  
8 includes election official training and poll worker  
9 training. So if there are any remaining HAVA dollars in  
10 that category that we don't use on voter education, we  
11 could perhaps use to additional -- to develop additional  
12 training materials.

13 SEN. DAVIS: Yes, and we talked about that  
14 a moment ago, and you did state on the record that that  
15 category of 5 to \$7 million that's remaining is the  
16 entirety of the federal resource that you have available  
17 to you right now, both for voter education and for  
18 training purposes. And we've also talked about the fact  
19 that the expectation and the demand on that particular  
20 fund for public education is going to take the  
21 significant balance that remains there. Correct?

22 MS. MCGEEHAN: Right. Well, just to be  
23 clear, the remaining balance in the HAVA is all we have  
24 for voter education, but there are some state funds -- I  
25 don't think it's a lot -- but that would go towards

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 updating handbooks and video and things likes that that  
2 we normally produce as training materials.

3 SEN. DAVIS: When the Help America Vote  
4 Act was implemented and in '06, as you said, that was  
5 the first significant change that's been made or it's  
6 the most recent significant change that's been made in  
7 election laws in the state of Texas in terms of the  
8 requirements of your agency and the training of your  
9 agency, did the costs that your agency realize as a  
10 result of the training component for HAVA increase as a  
11 result of those new requirements?

12 MS. MCGEEHAN: We -- what we did do was  
13 develop an online training component. So we used a  
14 portion of the HAVA dollars to develop an online  
15 training component, which was in addition to our other  
16 training. I could get -- I don't know the cost of that,  
17 but I could get you the cost.

18 SEN. DAVIS: It would be a helpful number  
19 to have.

20 There's also a discussion in terms of the  
21 fiscal note on this bill, including a coordinated voter  
22 registration drive or other activities that would be  
23 designed to expand voter registration. What would the  
24 costs of such a registration drive be? It's on Page 2  
25 of the fiscal note.

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: Okay. I think that what  
2 that is referring to is that at the end of Senate  
3 Bill 14, there's a reference that says county voter  
4 registrars can use Chapter 19 funds to defray costs in  
5 conducting a voter registration drive. But I don't see  
6 anything -- and I may have missed it -- but I don't see  
7 anything in Senate Bill 14 that requires a voter  
8 registration drive. I think it's -- what that section  
9 in the bill is doing is trying to make clear that these  
10 funds, which are -- go to county voter registrars to  
11 enhance voter registration could be used to do voter  
12 registration drives, but I don't see anything that  
13 requires a voter registration drive in Senate Bill 14.

14 SEN. DAVIS: What resources currently are  
15 expected of our local governments in carrying out the  
16 training and the public awareness programs under our  
17 election code.

18 MS. MCGEEHAN: The -- there's no state law  
19 requirement to do voter education by the county  
20 officials. Most of them do it as a public service  
21 because they want to, but there's not a mandate under  
22 state law to do that.

23 Under Senate Bill 14, there's required  
24 training of poll workers on the new photo ID  
25 requirements. And I may have missed part of your

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 question.

2 SEN. DAVIS: And that required training is  
3 to be done at the county level. It's expected that the  
4 county will fulfill that requirement through their own  
5 resources?

6 MS. MCGEEHAN: Well, they are required to  
7 use the Secretary of State materials. I think that the  
8 election code gives them discretion as to how they  
9 implement it and how they conduct their training.

10 SEN. DAVIS: So it's foreseeable that at  
11 the county level increased costs will be realized as a  
12 consequence of the expectations of this bill?

13 MS. MCGEEHAN: Most counties conduct  
14 training today. So they would just be incorporating  
15 another component into their training program.  
16 Depending on how they handled it would impact how  
17 significant the fiscal impact would be in that county.

18 SEN. DAVIS: If I'm a voter today and I  
19 want to go to the bill itself in terms of making sure I  
20 understand what would be expected of me under today's  
21 rules versus under the rules of the new bill, if I'm a  
22 voter today and I come in to vote and I don't have my  
23 voter registration card, instead I have an ID, I have a  
24 state issued ID, I have a valid driver's license, and my  
25 driver's license shows a different name than is



## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 currently on the roll because I've married or I've  
2 divorced, how is that situation handled today?

3 MS. MCGEEHAN: State law doesn't directly  
4 address it. So I think that as a practical matter  
5 what's happening is the poll workers are making judgment  
6 calls as they qualify those voters for voting.

7 SEN. DAVIS: But they are not being given  
8 guidance or rules or requirements in terms of how they  
9 are to deal with that situation today?

10 MS. MCGEEHAN: No.

11 SEN. DAVIS: It's within their discretion?

12 MS. MCGEEHAN: At this point. I mean,  
13 state law is silent on it, and our office has not issued  
14 any guidance on it. So we're hearing a lot about that  
15 today. That's definitely something we'll probably need  
16 to look into, but right now there is no rule or statute  
17 on that issue.

18 SEN. DAVIS: Okay. And today if I go to  
19 vote and my identification that I use for purposes of  
20 voting has a different address on it than is listed on  
21 the precinct roll, I think it's the interpretation today  
22 under 2004 Secretary of State opinion that I am asked  
23 for my correct address, and I am to be believed if I say  
24 that my address is the address that's on the precinct  
25 list as opposed to what might be on my ID?

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: I think that's basically  
2 correct. The purposes -- you know, showing ID today is  
3 only for purposes of proving who you are. It's not to  
4 prove where you live. So independent from the  
5 requirement to show ID, either certificate or one of the  
6 other authorized ID, there's a separate requirement in  
7 the code where the election -- where the poll worker has  
8 to ask every voter "Have you moved," so regardless of  
9 what ID they show. And if they say yes, they've moved,  
10 then they have to sign a statement of residence and  
11 update their information. If they say no, they haven't,  
12 they still live at the address on the list of registered  
13 voters, then they are permitted to vote.

14 SEN. DAVIS: And what is your  
15 understanding of whether -- how or whether that would  
16 change under the requirements of the new bill if  
17 everyone now is going to come in with a state-issued ID  
18 or a driver's license? If the address on that ID does  
19 not match the address that's on the voter file, how is  
20 that to be handled going forward if this bill were to  
21 pass into law?

22 MS. MCGEEHAN: My current understanding is  
23 that that process wouldn't change, that the purpose of  
24 SB 14 is, again, just to prove up ID, not prove where  
25 you reside.

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1           SEN. DAVIS: And what steps would the  
2 Secretary of State's Office engage in to assure that the  
3 ID wasn't being used to establish an understanding of  
4 the voter's residency?

5           MS. MCGEEHAN: Would definitely, I think,  
6 be included in our training materials to emphasize that.

7           SEN. DAVIS: Currently, is there any  
8 information that the Secretary of State's Office gathers  
9 that breaks down by category voters in the state? And  
10 when I say "by category," I mean by race, by gender, by  
11 disability, by age.

12           MS. MCGEEHAN: We have some information.  
13 We have -- we have age for sure. On gender -- we have  
14 some information on gender, but it's not conclusive  
15 because gender is now -- it used to be a required  
16 element on the voter registration application. In 1995,  
17 it was taken -- or it became optional after the National  
18 Voter Registration Act. So we have some data on gender,  
19 but, again, it's not complete.

20           Regarding ethnicity, we really -- we don't  
21 have any information like that because it's not  
22 collected when a person applies to register to vote.  
23 The only data that we do have is we do have the number  
24 of voters that have an Hispanic surname. And so we can  
25 run the list of registered voters against this list of

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 Hispanic surnames that is provided by the census  
2 department.

3 SEN. DAVIS: I'm sure you understand that  
4 one of the sensitive issues that will arise as a  
5 consequence of this legislation will be a question as to  
6 whether the implementation of this law creates a  
7 disproportionate impact on minorities, on seniors, on  
8 the disabled, on women. How will the Secretary of  
9 State's Office work to be able to answer those questions  
10 when they are asked if we currently don't track that  
11 data? And is there an intention to track it going  
12 forward?

13 MS. MCGEEHAN: When we changed the voter  
14 registration application in '94, '95, due to the  
15 National Voter Registration Act, there was a long  
16 discussion regarding this issue of whether the state  
17 application should request a voter's race. The  
18 determination at that time, based on feedback from all  
19 the stakeholders, was not to do it because the thought  
20 was that might be intimidating to a minority voter, "Why  
21 are you asking, you know, what my ethnicity is? It  
22 doesn't impact whether I can register or not."

23 We can revisit that issue because in order  
24 to provide data, you know, if the legislature wants data  
25 like that from the Secretary of State's Office, we have

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 to have some way to collect it. So we could revisit  
2 putting that question or adding that as a question to  
3 the voter registration application. I'd be happy to  
4 visit on ways where we could try and collect that, but  
5 right now we would not have the tools that we would need  
6 to be able to collect that data.

7 SEN. DAVIS: It seems rather important as  
8 implementation of this law advances that that  
9 information be made available for the Justice Department  
10 review as well as any judicial review that might occur  
11 in terms of the impact of the implementation of the law.

12 I believe that's all the questions I have  
13 for you. Thank you so much.

14 MS. MCGEEHAN: Thank you.

15 CHAIRMAN DUNCAN: The Chair recognizes  
16 Senator West.

17 SEN. WEST: Thank you very much,  
18 Mr. Chairman. Many of the questions Senator Davis has  
19 already asked, but have you had a chance to look at the  
20 bill as introduced?

21 MS. MCGEEHAN: Yes.

22 SEN. WEST: Okay. Do you happen to have  
23 it there in front of you?

24 MS. MCGEEHAN: Yes, I do.

25 SEN. WEST: Okay. Great. Before I get

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 into it, does this bill provide you any rulemaking  
2 authority?

3 MS. MCGEEHAN: No.

4 SEN. WEST: Okay. So in interpreting  
5 the -- let me back up. Are you often called upon by  
6 county registrars to answer questions concerning issues  
7 that arise in local counties?

8 MS. MCGEEHAN: Yes.

9 SEN. WEST: How do you normally decide  
10 those questions? Do you just look at the black and  
11 white law? Do you issue opinions? How is that --  
12 what's that process?

13 MS. MCGEEHAN: We issue opinions in a  
14 couple of different ways. We have a toll-free number.  
15 One is dedicated just for county officials. So if it's  
16 a fairly straightforward, simple question, we give a  
17 quick answer over the phone. If it's a -- if it's a  
18 less involved question, we might get an email. We'll  
19 give a response via email. If it's something that's  
20 hard or we're really interpreting several different laws  
21 or it's a new law and we feel like it has statewide  
22 impact, we want to make sure that everyone is operating  
23 under the same understanding, we'll issue an advisory.

24 SEN. WEST: Okay. And so an advisory or  
25 just depending upon the circumstances maybe an email

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 opinion or something like that?

2 MS. MCGEEHAN: Well, advisories are  
3 usually a little more -- it's like the most formal that  
4 we do.

5 SEN. WEST: Right.

6 MS. MCGEEHAN: Yeah. Okay.

7 SEN. WEST: All right. Let me ask you to  
8 go to Page 4 of the bill.

9 MS. MCGEEHAN: Okay. Can you tell me the  
10 section? Because I think I have a different format.

11 SEN. WEST: Okay. It's Section 7, and  
12 Section 7(c) and (d).

13 MS. MCGEEHAN: Okay.

14 SEN. DAVIS: Let me know when you get  
15 there.

16 MS. MCGEEHAN: Yes.

17 SEN. WEST: Okay. It's my understanding  
18 that the election officer that's being referred to in  
19 Section (d) is -- is the individual working at the poll.  
20 Is that right?

21 MS. MCGEEHAN: Yes.

22 SEN. WEST: Okay. That person will be  
23 called upon in Section (d) to determine if the voter's  
24 name is on the precinct list of registered voters, and  
25 the voter's identity can be verified from the

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 documentation presented. Is that correct?

2 MS. MCGEEHAN: Yes.

3 SEN. WEST: Okay. In advising on that,  
4 will that be a strict interpretation? Let me -- this is  
5 what I mean. I think that some of the hypotheticals  
6 that were provided by Senator Davis may be illustrative  
7 of what I'm asking. My last name is West, W-e-s-t. And  
8 say that there's a typographical error where my name is  
9 spelled W-e-s on the voters' roll, precinct list, and  
10 then my -- but my identity I'm using my driver's license  
11 and it has "t" on it. How does a poll -- an election  
12 officer in that situation resolve that problem?

13 MS. MCGEEHAN: That's a good question, and  
14 I don't think the bill necessarily defines what  
15 verification --

16 SEN. WEST: I know. Senator Fraser said  
17 I'd have to ask the Secretary of State that question.  
18 That's why I'm asking you that question.

19 MS. MCGEEHAN: I think -- you know, based  
20 on the way the bill is written now and if we had to  
21 develop training materials for the poll workers on how  
22 to implement this, we would look to the best practices  
23 of the states that have implemented. I heard Indiana  
24 testify earlier today that they have written some  
25 guidelines. We'd look to that and try and incorporate



## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 the best practices on reasonable methods to verify the  
2 ID document against the list of registered voters.

3 SEN. WEST: Okay. But you would agree  
4 with me that in interpreting Section (c) and (d) without  
5 some sort of guidance would lend itself to a great deal  
6 of subjectivity; thus inconsistent application  
7 throughout the state?

8 MS. MCGEEHAN: It could, yes.

9 SEN. WEST: Okay. As it relates to --  
10 let's see. What page is it on? The next page, which  
11 will be (h), it's in the same section.

12 MS. MCGEEHAN: Okay.

13 SEN. WEST: Would you read Section (h) and  
14 tell me how you interpret that as the chief  
15 administrator of the election laws in the state of Texas  
16 next to, needless to say, Secretary of State?

17 MS. MCGEEHAN: (h) reads, "The  
18 requirements for identification prescribed by Subsection  
19 (b) do not apply to a voter who: (1) presents the  
20 voter's voter registration certificate on offering to  
21 vote; and (2) was 70 years of age or older on January 1,  
22 2012, as indicated by the date of birth on the voter's  
23 voter registration certificate."

24 The way I had -- until earlier this  
25 afternoon when Senator Ellis asked the question, I had

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 assumed that anybody that is 70 years of age or older  
2 would not have to provide the photo ID. I think the  
3 wording is less than perfect. I think that's the  
4 intent, and I heard Senator Fraser, I think, answer that  
5 his intent is it would apply. You know, even if a  
6 person became 70 after January 1, 2012, they could still  
7 take advantage of this exception.

8 SEN. WEST: Okay. But would it be your  
9 suggestion that we need to reword that language to make  
10 certain that whether you're there or someone else -- I  
11 understand that you're here and you heard the  
12 discussion, but if for some reason you're not in the  
13 same position you're in right now, there's going to be  
14 someone else, and they won't have -- they will not have  
15 had the benefit of this discussion. So, therefore, do  
16 you think it would be advisory to -- advisory to reword  
17 that to make certain it's perfectly clear?

18 MS. MCGEEHAN: I think so. If people are  
19 reading it inconsistent, it would probably help it if it  
20 were.

21 SEN. WEST: Okay. Now, a couple of other  
22 questions. As it relates to the counties, it's my  
23 understanding that you -- that your agency and maybe  
24 either yourself or someone working for you put together  
25 the fiscal note. Is that correct?

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: Yes. Our agency put it --  
2 I helped.

3 SEN. WEST: Okay. Did someone under your  
4 supervision contact local governments to determine the  
5 impact, the fiscal impact, that implementation of this  
6 will have?

7 MS. MCGEEHAN: No, we did not.

8 SEN. WEST: That was done by someone else?

9 MS. MCGEEHAN: I think LBB does that. We  
10 just -- we just --

11 SEN. WEST: Provided the information?

12 MS. MCGEEHAN: Yeah. Right.

13 SEN. WEST: And based on your experience  
14 when these types of changes -- let me back up.

15 How much experience have you had in this  
16 particular area, that is, the election laws, in  
17 administration of election laws?

18 MS. MCGEEHAN: I have been working in the  
19 elections division for 21 years.

20 SEN. WEST: So you've had a little  
21 experience, huh?

22 MS. MCGEEHAN: Yes.

23 SEN. WEST: Okay. All right. As it  
24 relates to when changes are made in state law of this  
25 nature, is there an impact, a fiscal impact, on local

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 units of governments when they have to make changes to  
2 comply with these types of changes or laws that are  
3 being suggested?

4 MS. MCGEEHAN: I think it really depends  
5 on what the change is. You know, if there's a new  
6 mandate for a county or if the county has to do  
7 something different, then obviously there would be a  
8 fiscal impact.

9 SEN. WEST: Well, will -- and, again,  
10 drawing on your expertise, will counties have to do  
11 something different to implement this particular law?

12 MS. MCGEEHAN: They will have to -- they  
13 are going to have to post information on their website  
14 notifying the public what the new photo ID requirements  
15 are.

16 SEN. WEST: Right.

17 MS. MCGEEHAN: When they issue voter  
18 registration certificates, they are going to have to  
19 mail out -- which they have to mail out every two years  
20 under current law. The new certificates will have new  
21 language, but -- informing voters of the voter ID  
22 requirements, but that should be cost neutral because  
23 they are already mailing out the voter registration  
24 certificates.

25 The piece that I think might have a fiscal

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 impact is the training. If the counties have to change  
2 up their training procedures much or do more training  
3 because they want to make sure the word is out to all  
4 their -- that might increase their training costs.

5 SEN. WEST: Okay. So there are some  
6 factors that need to be taken into consideration as to  
7 whether or not counties will be burdened with additional  
8 cost to implement this law. Is that correct?

9 MS. MCGEEHAN: Yes.

10 SEN. WEST: Okay. And would it be a fair  
11 statement to say the larger the county, the more of the  
12 burden -- of the financial burden -- well, that's not a  
13 fair question.

14 Would it be a fair statement to say that  
15 the larger the county, the larger the potential  
16 financial obligation that they would have to encounter  
17 in order to implement the law?

18 MS. MCGEEHAN: I think that's true, but I  
19 can hear small counties say that it might be  
20 proportional, you know, since their budgets are -- I  
21 mean --

22 SEN. WEST: Right. It's all relative to  
23 what your budgets are.

24 MS. MCGEEHAN: Yeah.

25 SEN. WEST: But the fact is that that --

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 do you -- is there any -- you've read the fiscal note  
2 associated with this bill?

3 MS. MCGEEHAN: Yes.

4 SEN. WEST: The \$2 million that's in the  
5 fiscal note, does any of that go to the county to --  
6 counties in order to implement this legislation?

7 MS. MCGEEHAN: No.

8 SEN. WEST: So any cost that is not  
9 covered by the state for counties would be -- have to be  
10 borne by the counties. Right?

11 MS. MCGEEHAN: Yes, yes.

12 SEN. WEST: Okay. Now, as it relates  
13 to -- is there any way that the Secretary of State's  
14 Office can give us -- do an analysis or get with the  
15 various counties to determine exactly what the fiscal  
16 impact of implementing this legislation would be?

17 MS. MCGEEHAN: We could -- we could  
18 certainly solicit that information from counties and ask  
19 them what -- how they see this impacting them fiscally.

20 SEN. WEST: You could do that for each and  
21 every one of the counties?

22 MS. MCGEEHAN: We can do it.

23 SEN. WEST: Mr. Chairman, I'd like to  
24 request that the Secretary of State's Office provides  
25 the Senate an analysis of -- I shouldn't say an

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 analysis -- at least solicit from the various counties  
2 what the fiscal implication is going to be in order to  
3 implement this bill.

4 CHAIRMAN DUNCAN: Okay. I think, Senator,  
5 that will be an individual request from you, and then it  
6 can be distributed to all members of the Senate --

7 SEN. WEST: Okay.

8 CHAIRMAN DUNCAN: -- whenever it's done.  
9 You know, I doubt that that will be done by the time we  
10 rise and report to the Senate.

11 SEN. WEST: Okay. We can't get it  
12 tonight?

13 (Laughter)

14 SEN. WEST: I'm just joking with you.

15 CHAIRMAN DUNCAN: You won't be a very  
16 popular guy if the --

17 SEN. WEST: I'd like --

18 (Laughter)

19 SEN. WEST: I'd like to get it as soon as  
20 possible, though.

21 Let's see. No further questions. Thank  
22 you very much.

23 MS. MCGEEHAN: Thank you.

24 CHAIRMAN DUNCAN: Thank you, Senator West.  
25 Senator Gallegos?

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. GALLEGOS: Let me ask you, I don't  
2 know if you heard my question earlier to Senator Fraser  
3 and he referred to you or the Secretary of State's  
4 Office to answer it. My concern was in the fiscal note  
5 that we ranked number two in the country in population.  
6 And Missouri ranks number nineteenth, and to implement  
7 their voter ID program, they came up with -- they only  
8 have 5.9 million people. We have 25 million. They came  
9 up with a fiscal note of 6 million in the first year and  
10 then 4 million in the second year for a total of 10  
11 million second and third. That's \$10 million. And you  
12 just -- I think earlier testimony with Senator Davis,  
13 you said once the 2 million runs out, that's it. Is  
14 that what you said?

15 MS. MCGEEHAN: For -- yeah, the amount of  
16 money we have for voter education is limited. So when  
17 that runs out, that's all we have.

18 SEN. GALLEGOS: I guess my concern is if  
19 Missouri only has 5.9 million people, just to implement  
20 their voter ID program they start with 6 million in the  
21 first year and 4 million in the second and third year  
22 for a total of \$10 million, for just 5.9 million folks,  
23 what are they -- you know, I don't -- what are they  
24 doing as far as when they are reading the bill? I heard  
25 that you said you're going by the bill, and that's how



CONSIDERATION OF SENATE BILL 14 1/25/2011

1 you came up with your fiscal note. Is that correct?

2 MS. MCGEEHAN: Yes.

3 SEN. GALLEGOS: Okay. Well, then what are  
4 they doing that we're not or, you know, how can you --  
5 you know, for \$10 million for 5.9 million people and  
6 we're only going to spend 2 million, I mean, what's the  
7 difference?

8 MS. MCGEEHAN: I am not familiar with the  
9 Missouri voter identification bill, and I did hear you  
10 ask that earlier today, but I've been trying to listen  
11 to all the questions. So we can -- we can research it  
12 and see. Some states actually provide more to their  
13 local county governments and print ballots and things  
14 like that. I don't know if that's the situation in  
15 Missouri, but I honestly don't know the answer to that  
16 question because I don't know what the Missouri voter ID  
17 law requires.

18 SEN. GALLEGOS: Well, it's a substantial  
19 more amount of money than we're looking --

20 MS. MCGEEHAN: Yeah.

21 SEN. GALLEGOS: -- at the fiscal note that  
22 you have -- that you've given this committee on Senate  
23 Bill 14. And I just -- it concerns me that that amount  
24 of money, if somebody is doing -- in the formula or  
25 methodology that you came up with that number -- I mean,

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 is that a true number? I mean, you know, as far as are  
2 we really doing voter education that should be done, you  
3 know, on 25 million people as opposed to what Missouri  
4 is doing with only 5.9? I mean, it just -- I mean, that  
5 would send up a red flag to me. Wouldn't it you?

6 MS. MCGEEHAN: Sure. I would like to  
7 understand those numbers because they are very  
8 different.

9 SEN. GALLEGOS: You know, I -- if we're  
10 going to mandate to Texans, you know, and then do it --  
11 do a good educational program and Missouri is spending  
12 \$10 million on their folks and we're only spending  
13 2 million on ours, I'd like to know what the -- what the  
14 difference is. Are their people better than ours? You  
15 know, do they deserve, you know, more education? You  
16 know, I just -- you know, with the population as opposed  
17 to our population, you know, I don't -- you know, I'm a  
18 little concerned there. You know, are we cutting our  
19 folks short? Are we really going to do what you're  
20 telling us that you're going to do as far as educating  
21 the public out there on this bill?

22 And it just concerns me that, you know, we  
23 see -- and I haven't even taken a comparison of the  
24 other states. And we're number two, and Missouri is 19,  
25 and they are spending 10 million bucks. You know, that

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 would concern me, and I would hope it would concern any  
2 of the other Senators on this floor. Are we, you know,  
3 really going to do -- in implementing this bill, are we  
4 going to educate those folks out there?

5 Now, you know -- and I'd like that answer.  
6 I mean, you can't answer it now, I understand, but I  
7 would like an answer to that.

8 MS. MCGEEHAN: We'll get you an answer.

9 SEN. GALLEGOS: And a comparison on what  
10 really your states that have implemented voter ID, how  
11 much are they paying, you know, to implement the program  
12 and what they do.

13 Now, on the fiscal note, it says you're  
14 going to do TV and radio and some other things. I mean,  
15 can you explain to this body the process on TV, or is it  
16 going to be in different languages, or how are you going  
17 to -- how are you going to split up the money? Who gets  
18 the most? You know, I mean, it's not -- it's not  
19 explained to us in the fiscal note how you're going to  
20 spread the money around. And is that going to be  
21 accessible to us or how the process is going to be, or  
22 how much money are you going to spend in Harris County  
23 as opposed to Lubbock, Texas or wherever?

24 MS. MCGEEHAN: Yes, that would be  
25 available. And, you know, the programs that we've done

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 previously, we have detailed records that show, you  
2 know, where the media ran, and so we would -- that would  
3 be a part of any program going future.

4 The way -- the way it has worked thus far,  
5 the three statewide voter education programs that we  
6 have done, is we've gone out for bid for a public  
7 education firm. And then the first thing that firm does  
8 is research, and they meet with stakeholders, and then  
9 they craft the creative proposal. And then they turn  
10 that into the actual media and do the media buys for TV,  
11 radio and cycle, Internet and also print.

12 For the PSAs -- and I'm not the expert on  
13 this -- but I understand that we pay for a certain  
14 amount, and then we get some earned credit where TV  
15 stations will run them for free. If you pay them, you  
16 know, to run it once, they'll run it three times and  
17 only charge you for once, something along those lines.

18 SEN. GALLEGOS: And is that going to be --  
19 is there going to be access as far as different  
20 languages in than budget?

21 MS. MCGEEHAN: Oh, yes. We -- our current  
22 programs are in English and in Spanish, and in Harris  
23 County, we've had a component for Vietnamese.

24 SEN. GALLEGOS: Okay. Now, on Page 2 of  
25 the bill under what y'all are going to do under voter --

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 under 31.012, Voter Identification, Senator West brought  
2 it up about -- it says here you and -- your office and  
3 the voter registrar of each county that maintains it  
4 shall provide notice of the ID requirements as  
5 prescribed by this change.

6 Now, my concern there is, is at the county  
7 level -- you know, I think Senator West brought it up --  
8 is how much is going to be incumbent on each county, you  
9 know? I and others here on this floor represent the  
10 largest county, Harris County, and Harris County is  
11 already starting to lay off, and they have a shortfall,  
12 and they are laying off as we speak right now. So, you  
13 know -- and I see what it says in the bill, you know,  
14 that you're going to get together with them. I mean,  
15 are they going to have the money? Or where is the -- if  
16 they don't have the money, where is the other money  
17 going to come from? Other than the 2 million you  
18 already have prescribed here and any federal matches  
19 that come in, where is that money going to come if those  
20 counties cannot provide?

21 MS. MCGEEHAN: I think that the bill  
22 presumes that counties have a website, and so this  
23 requirement is that they post, you know, the information  
24 about the new photo ID requirements that the Secretary  
25 of State's Office will actually prescribe. So we will

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 send that out to the counties, and then they'll have to  
2 post it on their website.

3 Now, in light of the fiscal  
4 circumstances -- and Senator West has asked us to do a  
5 survey -- we'll probably get some very detailed  
6 information, you know, as far as the counties' fiscal  
7 circumstances, if they are going to have to take down  
8 their websites or, you know, where they are going to  
9 have to cut.

10 SEN. GALLEGOS: Well, you know, with all  
11 due respect, I mean, we can presume a lot of things, and  
12 I could presume a lot of things, you know, just on  
13 anything, but I can tell you right now -- I'm not  
14 presuming -- I know that they're laying off in Harris  
15 County right now. That's not a presumption. That's a  
16 fact; that's a fact. And they're also furloughing in  
17 the City of Houston.

18 So, I mean, it just concerns me that this  
19 section here that says you're going to work hand-in-hand  
20 with each registrar in each county, and if those  
21 counties are already going through a budget shortfall  
22 like we are, then how can you presume that they're going  
23 to have -- I'm just saying that this bill presumes that  
24 they're going to have a website and they're going to  
25 have people to handle the education.

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1           You can't presume anything if they're  
2   laying off right now as we speak, and that's a fact.  
3   Like I said, that's not a presumption. That concerns  
4   me. And what I'm asking is that if that can't happen in  
5   Harris County or any other county in this state, where  
6   is the extra money? If they don't have, obviously, the  
7   funds to provide what is prescribed under Senate Bill  
8   14, where is that money going to come from?

9           MS. MCGEEHAN: Well, you know, Senate Bill  
10   14 doesn't make an appropriation to the county, so I  
11   don't know the answer to your question on that because,  
12   like I said, the bill -- I think the assumption is that  
13   counties have a website. So if they're not going to  
14   have a website --

15           SEN. GALLEGOS: But the bill prescribes  
16   that you will work in conjunction with the county  
17   registrar. Is that what I'm reading --

18           MS. MCGEEHAN: Yes.

19           SEN. GALLEGOS: -- or am I reading the  
20   wrong bill?

21           MS. MCGEEHAN: Maybe I'm not -- the way I  
22   read that was that we would provide them the wording,  
23   the language that they would put up on their website.

24           SEN. GALLEGOS: Well, you're going to  
25   provide them with that. But what about the bodies and

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 any other education that's prescribed by this bill? If  
2 they don't have the bodies -- they're laying off bodies  
3 right now.

4 MS. MCGEEHAN: Yes.

5 SEN. GALLEGOS: Okay. And you see where  
6 I'm going here?

7 MS. MCGEEHAN: No, I understand.

8 SEN. GALLEGOS: And if you provided a  
9 fiscal note, you know, that we're going by and that's on  
10 every website in the State of Texas, everybody that has  
11 a computer, then really what I'm asking you, is this a  
12 true fiscal note or is it misleading to the voters out  
13 there, that it's going to cost more than what you're  
14 showing here if other counties are having budget  
15 shortfalls like we are?

16 MS. MCGEEHAN: Well, when we're asked to  
17 submit a fiscal note to LBB, they want to know what the  
18 state impact is. So generally we don't solicit what the  
19 impact is to local government. And I'm not exactly sure  
20 who within LBB does that, if that's LBB or the  
21 Comptroller. But I can tell you -- and maybe we've been  
22 doing them wrong, but the way we've understood our  
23 requirement in responding to a fiscal note request was  
24 to state what the state impact was. It's specifically  
25 for the agent -- you know, like for our agency for the



## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 Secretary of State's office.

2 SEN. GALLEGOS: Okay. So what you're  
3 telling me is that outside of the \$2 million that's in  
4 the fiscal note and that under this section that you're  
5 going to work with the registrar in each county, then we  
6 just have to roll the dice and hope that the money is  
7 there. Is that what you're telling me?

8 MS. MCGEEHAN: Well, I think this fiscal  
9 note that LBB did put -- does indicate that there may be  
10 some county costs. You know, they did put some numbers  
11 in for Tarrant County and for Bexar County. So, you  
12 know, it's not -- I don't think it's the number you're  
13 looking for. It's not a comprehensive number, but I  
14 think that the fiscal note does indicate that there may  
15 be a fiscal impact on counties.

16 SEN. GALLEGOS: There may be a fiscal  
17 impact. You don't know how much?

18 MS. MCGEEHAN: No, I don't.

19 SEN. GALLEGOS: So what we're looking at  
20 in your fiscal note is just an open-ended fiscal note.  
21 Is that what you're telling me?

22 MS. MCGEEHAN: The fiscal note is really  
23 showing the impact on the Secretary of State's office.  
24 I can't really speak to how the portion of the fiscal  
25 note that concerns impact on local government, how

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 LBB -- you know, what their process is. I don't really  
2 know.

3 SEN. GALLEGOS: All right. Then let me  
4 rephrase my question.

5 MS. MCGEEHAN: Okay.

6 SEN. GALLEGOS: So the \$2 million that  
7 you're showing is what the state is going to be  
8 impacted. And the language that is showing you're going  
9 to work in conjunction with the counties, you know, you  
10 cannot speak to that, so we really don't know. Is that  
11 what you're saying? It could or could not be impacted  
12 for a million, two million, three million, whatever the  
13 number. I don't know the numbers that you gave Bexar  
14 County and Tarrant County. I have not been privy to  
15 those numbers. But what I'm saying is, I really would  
16 like to know that if my county is going to be impacted,  
17 if at all, it's going to be in here, you know. Do you  
18 see what I'm saying?

19 MS. MCGEEHAN: Well, yes, I understand  
20 what you're saying. And we are going to be sending out  
21 a survey to try and gather that data from all the  
22 counties.

23 SEN. GALLEGOS: You know, I don't like the  
24 mandate to my county, something that this bill said that  
25 they will do and then find out that they don't have the

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 funds to do it. You know, to me, that's an unfunded  
2 mandate in really telling Texans that are looking at  
3 this debate on computer and that are looking at this  
4 bill online, that this \$2 million fiscal note that  
5 you've provided is only an impact to the state, not the  
6 counties, not each county. Is that correct?

7 MS. MCGEEHAN: That's correct.

8 SEN. GALLEGOS: Okay. Thank you very  
9 much.

10 CHAIRMAN DUNCAN: Thank you, Senator  
11 Gallegos.

12 Senator Van de Putte.

13 SEN. VAN de PUTTE: Thank you,  
14 Mr. Chairman.

15 Ms. McGeehan, you've been an excellent  
16 resource witness for us, and there are just two  
17 questions that I need to ask to get into the record with  
18 regard to a survey.

19 Does Texas participate in the Election  
20 Administration and Voting Survey?

21 MS. MCGEEHAN: Yes.

22 SEN. VAN de PUTTE: When was this survey  
23 completed, the last survey was completed? Was it after  
24 the 2008 election?

25 MS. MCGEEHAN: Yes.

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. VAN de PUTTE: So we have that survey  
2 available?

3 MS. MCGEEHAN: Yes.

4 SEN. VAN de PUTTE: Okay. The question  
5 that I have goes to the data on the survey that goes, I  
6 think, to all -- and this is the federal commission --  
7 dealing with the number of provisional ballots in the  
8 State of Texas. As far as you know, how do we rank in  
9 the number of provisional ballots that are used with  
10 regard to our voting population?

11 MS. MCGEEHAN: My general recollection is  
12 that as far as the total number cast, we're on the lower  
13 end. But as far as the number of provisional votes,  
14 meaning that not as many people cast a provisional vote  
15 in Texas as in some other states, but as far as the  
16 number of provisional ballots that are counted --

17 SEN. VAN de PUTTE: Yes.

18 MS. MCGEEHAN: -- we have one of the lower  
19 rates among the states as to the number of provisional  
20 ballots that are counted. It is my understanding that  
21 in the state chart, that we have very high rejection  
22 provisional ballot rates. So, in other words, even  
23 right now under this system that we have, that the  
24 number of provisional ballots that are cast, we have  
25 some of the highest rejection rates for those

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 provisional ballots in all of the country.

2 MS. MCGEEHAN: Yes.

3 SEN. VAN de PUTTE: At least that's what I  
4 understand from the report.

5 MS. MCGEEHAN: That's correct.

6 SEN. VAN de PUTTE: Thank you. I know  
7 that we have the datasets that were put in for 2008, and  
8 so hopefully that we will be able to get this and make  
9 sure that as we monitor the bill as it progresses and  
10 the bill as it's implemented, we certainly don't need to  
11 get to the bottom of the bottom of the bottom on  
12 rejection of provisional ballots.

13 Thank you.

14 CHAIRMAN DUNCAN: Thank you, Senator Van  
15 de Putte.

16 Senator Fraser.

17 SEN. FRASER: Thanks for being here today  
18 and waiting all day.

19 I would like to clarify a point before you  
20 sit down. I think you're aware this morning that we had  
21 entered into a record -- the Secretary of State had a  
22 letter addressing the \$2 million in the HAVA funds that  
23 was put into the record. Our understanding, from  
24 talking to the Secretary, the way the HAVA funds work,  
25 and also her relationship with the county, that she has

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 very broad discretion, assuming that the HAVA people  
2 approve the using of this.

3           The \$3 million that you're talking about  
4 in voter education, it doesn't necessarily mean that  
5 it's three plus two. It's possible that there's an  
6 overlap, that this two million could be folded in --  
7 possibly into the three. But that discretion goes back  
8 to the Secretary and they make a determination. Is that  
9 not true?

10           MS. MCGEEHAN: That's exactly right.

11           SEN. FRASER: The other thing that I want  
12 to clarify that there is a lot of discussion about, what  
13 expense might go to Houston or what expense might go to  
14 Bexar. Right now there is not clear, because I think  
15 there's a lot of discussion going on of whether is that  
16 Bexar expense or is that Secretary of State expense?

17           And we've got to determine what those  
18 dollars are being spent on. Can we use Secretary of  
19 State dollars and HAVA funds for that? So I think we're  
20 premature of a county saying they've got "X" amount of  
21 expenses, because it's possible that some of those  
22 expenses flow from the Secretary of State's office, they  
23 do not flow to the county, and they could handle that  
24 with available people within the county and budget. Is  
25 that not correct?

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: That's correct. And just  
2 an example of that, the cost that Bexar County put in  
3 the fiscal note was -- I think their assumption was that  
4 the certificate, the voter registration certificate  
5 would have to increase in size. And I don't see  
6 anything in the bill that requires that. And the  
7 Secretary of State prescribes the form. So once that's  
8 explained to the county, they might withdraw that  
9 fiscal --

10 SEN. FRASER: I want to make sure that  
11 that's clear, is that some of these assumptions are  
12 possibly the-sky-is-falling assumptions that this is --  
13 you know, this expense is going to be put on us, and I  
14 don't think that's been discussed. And some of this, I  
15 think, can be done by ruling of the Secretary of State,  
16 directing them. And there is a real good chance that a  
17 lot of these expenses go away that can be absorbed  
18 through the Secretary of State. And that is correct,  
19 isn't it?

20 MS. MCGEEHAN: Yes.

21 SEN. FRASER: Okay. I wanted to clear  
22 that up. Thank you so much.

23 CHAIRMAN DUNCAN: The Chair recognizes  
24 Senator Williams.

25 SEN. WILLIAMS: Thank you, Mr. Chairman.

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 Ms. McGeehan, I want to add my thanks for  
2 you hanging in here with us all day. There's about  
3 three things that I would like to clear up with you. I  
4 just want to understand unequivocally, HAVA funds can be  
5 spent for things like training poll workers. Is that  
6 correct?

7 MS. MCGEEHAN: Yes.

8 SEN. WILLIAMS: Okay. Thank you. Then  
9 are you familiar with the voter ID bill that went  
10 into -- in Utah recently? Have you taken a look at  
11 that?

12 MS. MCGEEHAN: No, I have not looked at  
13 that.

14 SEN. WILLIAMS: Okay. I just think it's  
15 noteworthy, in light of Senator Van de Putte's comments,  
16 because the Salt Lake County Clerk's office -- I've got  
17 a news report here -- it's confirmed that there were  
18 only 13 cases of voters having to pick up their  
19 provisional ballots because they didn't have the proper  
20 identification to vote when they put this new law into  
21 effect. So it seems like it's had a great -- again, one  
22 more state where the impact has been really minimal.  
23 I'm not sure why we're having these other issues, but I  
24 don't think its because of this.

25 And then finally I wanted to ask you, we



CONSIDERATION OF SENATE BILL 14 1/25/2011

1 had talked earlier about the project that I asked you to  
2 do, to cross-reference the driver's licenses and the  
3 voter registration. How is that coming along? I know I  
4 only asked today, but I just --

5 MS. MCGEEHAN: Yes.

6 SEN. WILLIAMS: -- but what is a  
7 reasonable expectation for us to get that information?

8 MS. MCGEEHAN: I would hope by the end of  
9 the week. One thing that our IT folks and our election  
10 experts are trying to struggle with is like matching  
11 criteria --

12 SEN. WILLIAMS: Right.

13 MS. MCGEEHAN: -- you know, which we won't  
14 have a TLD number, so we're working through some of  
15 that. But I would expect by the end of the week we  
16 would have it, if not earlier.

17 SEN. WILLIAMS: Okay. So do you need any  
18 further direction from us? For instance, if we wanted  
19 to target that universe of people that we know are out  
20 there and maybe make a little extra effort to make sure  
21 that they understood they were going to have a new  
22 requirement when they went to vote as far as getting a  
23 photo ID, if they didn't already have one -- and we've  
24 identified who they are -- if we gave legislative intent  
25 as a part of the bill tomorrow, would that be sufficient

## CONSIDERATION OF SENATE BILL 14 1/25/2011

1 for you-all and the Secretary of State's office to take  
2 that direction and know that that's something that we  
3 wanted to have done in your training plans and voter  
4 education plans?

5 MS. MCGEEHAN: Yes. I think if there were  
6 a statement of legislative intent, we would certainly  
7 follow that.

8 SEN. WILLIAMS: That would be sufficient.  
9 Okay. Thank you very much. Appreciate your help.

10 CHAIRMAN DUNCAN: All right. Members, are  
11 there any other questions of Ms. McGeehan?

12 Okay. The Chair hears none. Thank you,  
13 Ms. McGeehan.

14 The Chair calls David Maxwell, Deputy  
15 Director of Law Enforcement, Texas Attorney General's  
16 Office.

17 Mr. Maxwell, would you approach and state  
18 your name and who you represent, and then we'll open it  
19 up for questions.

20 TESTIMONY BY DAVID MAXWELL

21 MR. MAXWELL: I have a written statement  
22 that I would like to put into the record, sir.

23 CHAIRMAN DUNCAN: Well, we haven't been  
24 doing that.

25 MR. MAXWELL: Okay.